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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/209,280 12/11/98 JUNG

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002292 WM01/0116
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EXAMINER

YOUNG, W

ART UNIT

PAPER NUMBER

2651

DATE MAILED:

01/16/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/209,280

Applicant(s)
Jung et al.

Examiner
Wayne Young

Group Art Unit
2651



☒ Responsive to communication(s) filed on 12/27/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 23-44 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 23-44 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/307,288.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2651

1. Figure 3 should be designated by a legend such as --Prior Art--, because only that which is old is illustrated. See MPEP § 608.02(g).

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

2. The specification is objected to because on page 9, lines 15 and 18-19 (second occurrence), "vocal sound" should be --accompaniment sound--.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 23-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is inadequate disclosure of claim 23's "controller controlling the signal processor to only reproduce the data units corresponding to the selected audio signal". Disclosed is reproducing all audio signals and not only one. Likewise for claim 28's "controlling". There is inadequate disclosure of claim 23's "controller . . . to output . . . at least one of the plurality of audio signals". Disclosed is selectively outputting only one of the audio signals. The claims recite a range including more than one audio signal, which is not disclosed. Likewise for claim 31's "outputting only the decoded at least one of the audio channels". Also, the limitation implies that only one is decoded which is not

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disclosed. Disclosed is decoding all audio signals and not only one. The phrase "the decoded at least" should be deleted. Likewise for claim 35's, claim 38's, and claim 42's "the decoded at least".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 23-27 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 23 and 44, there is no antecedent basis for "the selected audio signal".

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Dakin et al.

Applicant's admitted prior art in the reproduced audio signal processing art, discloses all the subject matter claimed, except for the claimed separating and decoding of a plurality of audio signals and controller to output one of a plurality of audio signals (claim 23 and similar limitations in the remaining claims). Note pages 1-4 and figures 1-3 of the specification.

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Dakin et al. in the reproduced audio signal processing art, discloses separating and decoding of a plurality of audio signals and controller to output one of a plurality of audio signals, in order to provide a more pleasurable presentation experience to an end user. See the figures, abstract, and columns 4-8.

It would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to provide separating and decoding of a plurality of audio signals and controller to output one of a plurality of audio signals rather than only one audio signal as in the admitted art as suggested by Dakin et al., the motivation being to provide a more pleasurable presentation experience to an end user.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. R. Young whose telephone and VoiceMail number is (703) 308-1554. If a plurality of attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth, can be reached on (703) 308-4825.

The appropriate fax phone number for the organization (Group 2650) where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.


WAYNE R. YOUNG
PRIMARY EXAMINER
ART UNIT 2651

wry/wry
January 12, 2001